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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION  
HONORABLE JOHN A. KRONSTADT, U.S. DISTRICT JUDGE  
  
TERRY HODGES, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.  
 ) CV 15-05158 JAK  
 )  
CHRISTOPHER TUCKER, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT OF  
SCHEDULING CONFERENCE  
MONDAY, SEPTEMBER 21, 2015  
1:48 P.M.  
LOS ANGELES, CALIFORNIA

\_\_\_\_\_  
CAROL JEAN ZURBORG, CSR NO. 7921, CCRR  
FEDERAL OFFICIAL COURT REPORTER  
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**APPEARANCES OF COUNSEL:**

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**FOR THE DEFENDANTS:**

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1                   **LOS ANGELES, CALIFORNIA; MONDAY, SEPTEMBER 21, 2015**

2                                   **1:48 P.M.**

3                                   **--oOo--**

4                   THE COURT:   Item 11:   CV 15-5158, Hodges v Tucker.

5                   MR. SYBERT:   Your Honor, Richard Sybert and Joan B.  
6                   Flaherty from the Gordon & Rees firm on the telephone for the  
7                   plaintiff Terry Hodges.

8                   THE COURT:   All right.   Good afternoon, Mr. Sybert  
9                   and Ms. Flaherty.

10                  MS. HART:    Good afternoon, Your Honor.   Allison Hart  
11                  of Lavelly & Singer on behalf of the defendant and  
12                  counter-defendant Chris Tucker.

13                  THE COURT:   And who are you, sir?

14                  MR. HODGES:   I'm Terry Hodges, sir.

15                  THE COURT:   You are being represented by counsel,  
16                  correct?   You can just sit there, right on the bench, please.  
17                  Right on the bench, the first row of the bench.

18                  MR. HODGES:   I'm sorry.

19                  THE COURT:   That's fine.   Thanks.

20                  Now, Mr. Sybert, is there any issue concerning your  
21                  ongoing representation of Mr. Hodges?

22                  MR. SYBERT:   There is, Your Honor.   We have intended  
23                  to submit a notice of withdrawal, which we believed had been  
24                  consented to or would be consented to by Mr. Hodges.   That  
25                  proved not to be the case, so it is currently our intention to

1 file a motion and notice of motion to be permitted to withdraw.

2 THE COURT: Mr. Hodges, can you come forward again,  
3 please?

4 You can use that microphone.

5 Mr. Hodges, I am not asking you to disclose any  
6 communications you've had with Mr. Sybert or Ms. Flaherty,  
7 those are privileged, but I would like to know whether you have  
8 a position as to whether you plan to seek new counsel or  
9 whether you plan to oppose a request by your current counsel to  
10 withdraw.

11 MR. HODGES: I plan to seek new counsel.

12 THE COURT: And how long do you think it would take  
13 you to identify and engage new counsel?

14 MR. HODGES: A month, two months. I'm not sure,  
15 Your Honor, because -- I'm not sure because I found out that I  
16 was being withdrawn last week, which was Thursday, and today is  
17 Monday. And I didn't call my lawyers, Mr. Sybert, because such  
18 late notice. We had court Monday, today, and I just found this  
19 out last week that they plan to withdraw.

20 THE COURT: Okay. All right. Just a minute.

21 What I would like you to do, Mr. Hodges, is to continue to  
22 communicate with Mr. Sybert and Ms. Flaherty with respect to  
23 what your position is concerning their planned motion to  
24 withdraw as your counsel, if you plan to oppose that. And  
25 likewise, at the same time, if you are planning to look for new

1 counsel, then you should move expeditiously to do that. I  
2 don't plan to have the case just sit still for 60 days while  
3 you look for a potential new counsel or if you elect to  
4 represent yourself.

5 MR. HODGES: Can I ask two things Your Honor? One  
6 is I would like to know the reason for the withdrawal.

7 THE COURT: I can't discuss that with you. That's  
8 something that you and your counsel need to discuss.

9 MR. HODGES: Okay. Okay.

10 THE COURT: If there is a motion, consider the  
11 motion, but I don't want -- as I said at the outset, I don't  
12 want to ask communications --

13 MR. HODGES: I understand.

14 THE COURT: -- between you and your counsel, some of  
15 which may be privileged.

16 MR. HODGES: I understand that. Right now I would  
17 like to represent myself.

18 THE COURT: That is something you can speak to  
19 counsel about. Right now, unless you are going to excuse your  
20 counsel right this minute and represent yourself in this  
21 hearing, you are still represented by counsel for purposes of  
22 setting dates.

23 MR. HODGES: That is what I would like to do,  
24 Your Honor.

25 THE COURT: What would you like to do?

1 MR. HODGES: I would like to excuse them and  
2 represent myself.

3 THE COURT: Okay. Mr. Sybert, do you have any  
4 objection to that?

5 MR. SYBERT: No, Your Honor, I do not.

6 THE COURT: Ms. Flaherty?

7 MS. FLAHERTY: No, Your Honor.

8 THE COURT: All right. Then what I need -- here's  
9 what I need. I need a filing made by Mr. Sybert, Ms. Flaherty;  
10 should be prepared by you --

11 You can be seated, Ms. Hart.

12 The form that we use in the Central District should be  
13 prepared and then provided to Mr. Hodges for his signature, and  
14 then it should be filed.

15 MR. SYBERT: Yes, Your Honor. We will do that.

16 THE COURT: But until that's filed, although I will  
17 grant the request when it's made in paper, until it's made, the  
18 granting of your motion is subject -- the granting of the  
19 request by Mr. Hodges, which is based on his counsel's request  
20 that they be relieved, is granted; provided, however, that it  
21 will become effective upon the filing of that document which  
22 designates Mr. Hodges as representing himself.

23 And then, Mr. Hodges, if you elect to pursue and engage  
24 new counsel, you need to do that promptly. And then another  
25 form would be filed in which your new counsel would enter its

1 appearance or his or her appearance in place of you.

2 Do you understand that, sir?

3 MR. HODGES: Yes, sir -- yes, Your Honor, I mean.

4 THE COURT: Now, with respect to the dates, I don't  
5 think I received an Exhibit A. Did I?

6 MS. HART: Yes, Your Honor, you did. It should have  
7 been attached to the statement submitted on behalf of  
8 defendant. I have a copy with me, if you would like to take a  
9 look.

10 THE COURT: Could I see it, please?

11 MS. HART: Yes, Your Honor.

12 THE COURT: All right. But there was no joint  
13 request; is that correct?

14 Mr. Sybert, did you file --

15 MR. SYBERT: I don't believe -- this is Richard  
16 Sybert, Your Honor.

17 I don't believe there was a joint request, if the Court  
18 means the defendant signing on to it.

19 THE COURT: Do you agree with that, Ms. Hart?

20 MS. HART: Yes, Your Honor.

21 THE COURT: Here are the dates I have in mind.

22 And, Mr. Hodges, I think the clerk has provided -- you can  
23 be seated here now. I believe the clerk has provided you with  
24 a blank copy, what we call Exhibit A.

25 And, Mr. Sybert, you should be able to follow along. My

1 plan is the following: I would set the trial in this matter  
2 for October 18, 2016, in light of both the nature of the claims  
3 as well as issues concerning representation of the plaintiff  
4 and counter-claim defendant. Final pretrial conference,  
5 October 3, 2016, at 3:00; last date to hear motions, August 22,  
6 2016; last date to file them, June 27, 2016; expert discovery  
7 to be completed by June 28, 2016; expert rebuttal disclosures,  
8 if any, June 14, 2016; initial expert disclosures, if any,  
9 May 31, 2016; complete nonexpert discovery by May 16, 2016.

10 And in terms of trying to resolve the matter, I believe  
11 that it would be appropriate to use an attorney settlement  
12 officer panel on whom the parties agree, and to have a meeting  
13 with that person by on or before January 29, 2016, with a joint  
14 report as to the procedural status filed on or before February  
15 5, 2016. Post-mediation status conference February 22, 2016,  
16 at 1:30. Conference can go off automatically if you file a  
17 notice of settlement, and I may take it off calendar based on  
18 what I read in your joint report in terms of whether I need to  
19 see you.

20 In terms of the attorney settlement officer panel, you  
21 need to collaborate and see if you can reach agreement on that  
22 person. Once agreement is reached and the person's appointed,  
23 then the person's time must be respected. Persons with  
24 authority must be present with the settlement panelist, and  
25 materials that are requested or directed by the settlement



1 panelist to be filed in advance of the session shall be filed.

2 Ms. Hart, let me start with you. What about these dates?

3 MS. HART: I have no objection to the dates. Those  
4 are fine with us.

5 THE COURT: And, Mr. Sybert, do you have a view on  
6 these dates?

7 MR. SYBERT: I do not, Your Honor. And in light of  
8 the stated intention to substitute in other counsel, I'm not  
9 sure I would be entitled to have an opinion on them.

10 THE COURT: All right. Mr. Hodges, do you have a  
11 view about these dates?

12 MR. HODGES: Yes.

13 THE COURT: You can stand when you speak.

14 MR. HODGES: Yes, Your Honor. I would like to know  
15 if we can do it sooner.

16 THE COURT: Well, I don't know. That was what was  
17 proposed by defendants. And when I looked at this, I wasn't  
18 sure that could be accomplished. And until it's determined  
19 whether you have counsel or will be representing yourself, then  
20 I don't think it's appropriate for me to make that  
21 determination.

22 Now, once you either are -- it's finally confirmed that  
23 you will be representing yourself or you have counsel, parties  
24 are free to enter a stipulation and proposed order where --  
25 stipulation, excuse me, and present it with a proposed order to

1 advance the dates provided. However, you need to allow the  
2 number of weeks as shown here between the hearing on any -- the  
3 last day for motions and their filing, but I think it would be  
4 more appropriate for you to consider that issue after you've  
5 determined who -- whether you will be self-represented or  
6 represented by counsel. And as I say, defendant at this point  
7 has proposed earlier dates, so I don't expect that to be an  
8 issue for the defendant.

9 Is that correct?

10 MS. HART: That is correct, Your Honor.

11 THE COURT: And counter-claimant.

12 One minute, please.

13 Anything else we need to do today?

14 MS. HART: I believe that's all, Your Honor.

15 THE COURT: Anything further, Mr. Hodges?

16 MR. HODGES: No, Your Honor.

17 THE COURT: Mr. Sybert?

18 MR. SYBERT: No, Your Honor. Thank you.

19 THE COURT: Okay. Thanks.

20 MS. HART: Thank you, Your Honor.

21 MS. FLAHERTY: Thank you, Your Honor.

22 THE COURT: Try your best to try to resolve this.

23 Thanks.

24 (Proceedings concluded at 1:59 p.m.)

25 ---oOo---

**CERTIFICATE OF OFFICIAL REPORTER**

COUNTY OF LOS ANGELES     )  
  )  
STATE OF CALIFORNIA         )

I, CAROL JEAN ZURBORG, Federal Official Realtime  
Court Reporter, in and for the United States District Court for  
the Central District of California, do hereby certify that  
pursuant to Section 753, Title 28, United States Code that the  
foregoing is a true and correct transcript of the  
stenographically reported proceedings held in the  
above-entitled matter and that the transcript page format is in  
conformance with the regulations of the judicial conference of  
the United States.

Date: December 30, 2016

/s/ CAROL JEAN ZURBORG

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CAROL JEAN ZURBORG, CSR NO. 7921, CCRR  
Federal Official Court Reporter